

THE ALTERNATIVES

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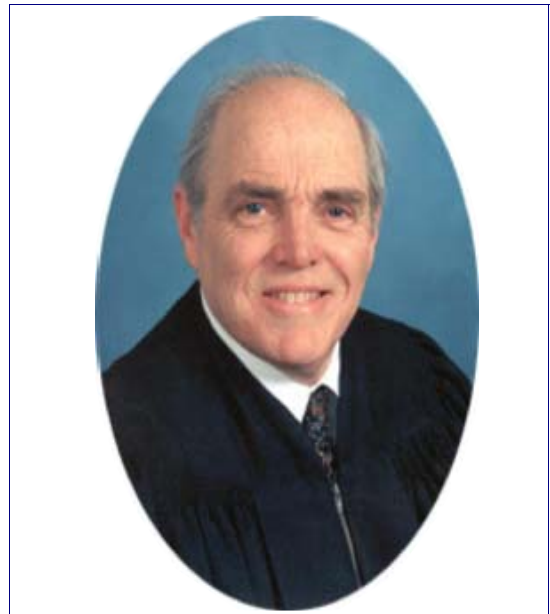
Director of ADR Programs,
Alice Rentschler

CHIEF JUDGE VAUGHAN RETIRES

By: Cindy Faucette

After 22 years with the District Court of Maryland, including the last three years during which time he served as Chief Judge, the Honorable James N. Vaughan officially retired on December 29th, 2004. His retirement party was held on December 2nd, 2004 at the Ten Oaks Ballroom in Ellicott City, MD. Judge Vaughan's family, friends and many of his distinguished colleagues were present to wish him a grand farewell.

Over the years, Judge Vaughan served the District Court in several capacities. His duties/titles have included District Administrative Judge for District 10 (Carroll and Howard counties), Associate Judge, Chair of the Administrative Judges Committee, member of the Judicial Compensation Committee, Court of Appeals Standing Committee on Rules of Practice and Procedure, Judicial Council and the Maryland Alternative Dispute Resolution Commission. Judge



Vaughan is also a member of the Maryland State Bar Association and past-president of the Howard County Bar Association.

During Judge Vaughan's time as chief judge, Alternative Dispute Resolution has grown as a way of resolving cases within the District Court of Maryland. The Day-of-Trial programs and the handling of special set cases through mediation and settlement conference facilitation are

See Chief Judge Vaughan, page 4

MESSAGE FROM THE DIRECTOR

NATIONAL VOLUNTEER WEEK. Did you know that April 17-23, 2005 is National Volunteer Week? First established in 1974 by executive order, every President of the United States has signed a

proclamation promoting this annual celebration. This is a time for organizations to thank their volunteers. Across the United States, there are 64.5 million volunteers who annually give a median of 52 hours of un-

paid service.

In Maryland, the District Court of Maryland is very fortunate to have over 300 of those volunteers. During
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page 2

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2004, ADR volunteers logged approximately 4800 hours and handled over 1300 cases. **THANK YOU!** Ongoing volunteer efforts are important in keeping the District Court of Maryland ADR programs up and running.

For the third consecutive year, the District Court will honor an ADR Volunteer of the Year. This individual will be honored with other outstanding volunteers at a state-wide appreciation event during the month of April. Outstanding volunteers were chosen for their significant contributions to ADR in the District Court of Maryland. Our next newsletter will carry full details on this exciting event.

SAVE THE DATE! Tuesday, January 10, 2006 is the date of The District Court of Maryland / Anne Arundel Community College joint conference on ADR. This day-long event will highlight various types of dispute resolution, including settlement conference facilitation, arbitration, collaborative law and mediation. The event will take place at the AACC campus in Arnold, Maryland. Your input as to the sessions and speakers is currently being sought. Please contact Maureen Denihan with your suggestions at maureen.denihan@courts.state.md.us.

HELP IS ON THE WAY. Please keep in mind that the ADR Office staff is here to help you. Please feel free to call any of us with your comments, questions or concerns. Our contact information has been updated and is listed on page 8 of this newsletter.

—With Sincere Appreciation,
Alice Rentschler,
Director of ADR Programs,
District Court of Maryland



ADR Office Recognizes Carroll County Volunteers

By: Cindy Faucette

On Thursday, December 9, 2004, the Alternative Dispute Resolution (ADR) Staff recognized the Carroll County ADR volunteers, judges, clerks and bailiffs with an award luncheon. Judges JoAnn Ellinghaus-Jones and Marc Rasinsky were thanked for their continued support of the ADR program.

I would also like to personally thank Maureen Denihan and our intern, Latisha Beal, for all of their help in making the luncheon a success.

Cindy Faucette is the ADR Regional Coordinator for Carroll County

ADR Director Alice Rentschler was also on hand to personally thank all of the great volunteers who had made the Carroll County ADR program a success over the last year. Mr. Dorsey was recognized as Carroll



ADR Volunteer Greg Dorsey is recognized by Chief Judge Vaughan as Carroll County's Outstanding ADR Volunteer for 2004.

Photo by Alice Rentschler

The Maryland Program for Mediator Excellence

By: Andrea Terry

Mediator quality assurance was a primary concern of the Maryland Alternative Dispute Resolution (ADR) Commission when it issued its 1998 action plan entitled "Join the Resolution," but there was no consensus as to how to achieve the goal. The ADR Commission was a stakeholder group convened by Chief Judge Robert M. Bell to review the use of ADR in Maryland and develop a plan to advance the quality, use, and understanding of ADR in the Maryland courts, businesses, communities, schools and government.

Charged with implementing the ADR Commission's action plan, the Maryland Judiciary's Mediation and Conflict Resolution Office (MACRO) has spent four years collaborating with dispute resolution practitioners across the State to develop the concept of the Maryland Program for Mediator Excellence (MPME). The goal of the MPME is to provide the opportunity for mediators to pursue improved practice throughout their career, whether they are new to the field or have many years of experience.

The MPME is unique as compared to most quality assurance programs adopted by some states in that it is not a certification process, not limited to a particular type or venue of mediation practice, and participation is voluntary. MACRO began its work on the MPME by researching program models

in Maryland and across the United States and Canada. Working with consultant, Charlie Pou, MACRO collaborated with hundreds of mediators and mediation consumers to develop a program that, when fully implemented, will provide Maryland mediators with the opportunity for mentoring, peer evaluations, videotaped role-plays, case discussions, and participation in a grievance process. The MPME will also establish a code of mediator ethics that participants will be asked to follow. The entire program is designed to be supportive of Maryland mediators as they seek to improve and to encourage mediators to be self-reflective in their practice. Participants will be recognized for their achievements within the MPME and their voluntary participation will be indicated in a new online directory of Maryland ADR practitioners, co-sponsored by MACRO and the Center for Dispute Resolution at the University of Maryland.

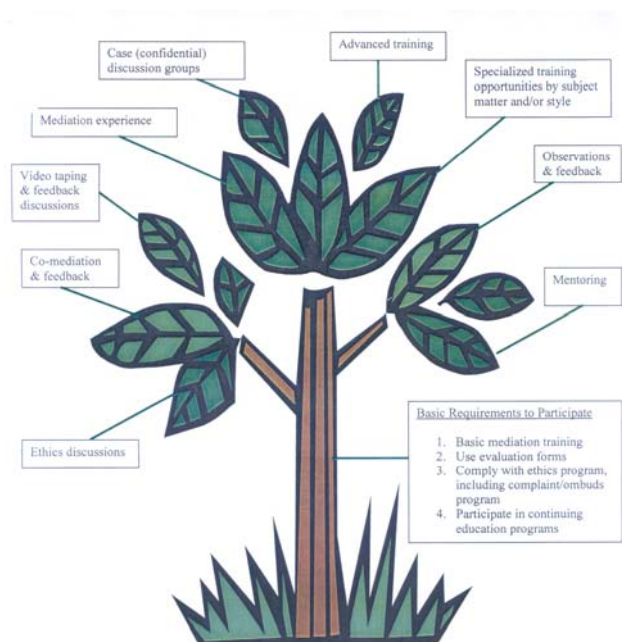
MACRO initiated three pilot programs in 2004 designed to help move the MPME from the conceptual phase towards implementation. A mediator mentoring plan is being tested in the Maryland Human Relations Commission mediation program, the District Court of Maryland, and the Conflict Resolution Center of Montgomery County. In the Anne Arundel County Circuit Court a performance-based mediator assessment project was conducted, and a statewide mediator survey was taken to attempt to identify the

different practices of mediation. As these pilots conclude in 2005, their results will help to define the different components of the MPME.

The illustration below depicts MACRO's vision of the MPME as a tree - with the trunk as the basic requirements for participation, and the different branches representing an area for a potential training opportunity or learning experience. As it collaborated with the mediator community across the State in the development of the MPME, so is MACRO collaborating in its implementation and administration. In the Fall of 2004, MACRO convened the Mediator Excellence Council, a group of Maryland mediators and

mediation trainers who have committed a great deal of time on a volunteer basis to developing the concept of the MPME, and to guiding the work of subcommittees since July of 2003 that have developed the various components of the MPME. The Mediator Excellence Council is charged with implementing the work of those subcommittees and guiding the administration of the MPME when it is fully operational. The first elements of the MPME may be offered to the Maryland mediation community as early as the Fall of 2005.

Andrea Terry is the ADR Quality Assurance Manager



Maryland Program for Mediator Excellence

This mediator quality assistance concept was created collaboratively by dispute resolution practitioners and the Maryland Judiciary's Mediation and Conflict Resolution Office (MACRO). Still a developing concept, the plan is to set up a voluntary program through which mediators can earn recognition for skill-building work. For more information, call MACRO at 410-841-2260. © 2003, 2004

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Chief Judge Vaughan Retires

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two of the most frequently utilized ADR processes in the District Court. Judge Vaughan says, "There has been a good acceptance by the judges, the public and the lawyers. What I like about it is there aren't essentially any winners or losers."

Judge Vaughan was presented with several retirement gifts at the retirement party. The Commissioner's Office presented him a judge's robe made of Hawaiian print material. He also received a Bed-and-Breakfast gift certificate he and his wife, Nancy, can use when they travel. Ironically, that was what they were doing on a day almost three years ago when Judge Vaughan received a

telephone call from Chief Judge Robert M. Bell to discuss a vacant position—Chief Judge of the District Court.

At a separate event, the ADR Office presented Judge Vaughan with a new watch and a stuffed rabbit. The rabbit was dressed in a judge's robe and glasses. The robe was embroidered with "JNV 907," Judge Vaughan's initials and judicial number. The rabbit became the unofficial District Court mascot a few years ago after Judge Vaughan had visited the U.S. Supreme Court. Their mascot was the turtle and the turtle's motto was "Slow but Steady." Judge Vaughan decided that the District Court needed its own mascot. So, he adopted the rabbit and the motto "Fast, but Fair."

The rabbit was presented to Judge Vaughan was given the name "Fast and Fair, the District Court Hare."

Best wishes go out to Ret. Chief Judge Vaughan and his wife on the occasion of his retirement. The members of the ADR staff certainly will miss him.



"Fast and Fair, the District Court Hare"

Photo by: Hon. James N. Vaughan

Second Maryland Mediators Convention

By: Carla Mamana and Maureen Denihan

What do you call a building at the University of Maryland Conference Center filled with approximately three hundred and fifty (350) mediators? The Second Maryland Mediators Convention.

More than 350 ADR professionals gathered for the Maryland Mediation and Conflict Resolution Office's (MACRO) second Maryland Mediators Convention on December 3, 2004 in College Park, Maryland. The Convention was a great success. The day began smoothly with registration, including the welcome addition of several last minute walk-ins, and a Plenary gathering which debuted MACRO's first reality show "What is Mediation?" The video, produced by MACRO, featured people off the street answering the question "What is Media-

tion?" Much to the audience's surprise, several people interviewed were not only familiar with mediation, but were fairly articulate in their explanation about mediation. "People do get it," stated Jonathan Rosenthal, MACRO Court ADR Resources Director, to attendees post-screening. The video generated energy and enthusiasm and set the tone for the rest of the day. The theme was set; while mediators and mediation-related organizations have helped to create a greater public awareness of mediation, there is still much work to be done to educate and promote mediation.

Conference attendees encompassed mediators and other ADR professionals from the Maryland Courts; the Maryland Human Rights Commission; academia from all levels of higher education; the Maryland Dept. of the Environment; the State Attorneys Office and community

mediation centers throughout the state. News of the Convention reached mediators far and wide. Mediators in attendance represented Maryland and other states such as Florida, Virginia, New York, and Vermont.

The Convention was comprised of four sessions; two in the morning and two in the afternoon. Each session, however, hosted a whopping seven or more individual topic sessions for a total of 31 diverse and intriguing topic sessions. Presentation formats varied between debate, a role-play followed by a discussion, panel and roundtable. Presentation topic areas included Peace Order Mediation; Medical Malpractice Mediation; Community Conferencing; Mediation Training; MACRO's mediator survey; Child Welfare Case Mediation; Mentoring Mediators; How to Get People to The Table; State Regulation of Mediators and four great debates. Overall,

[See Mediators Convention, page 5](#)

Baltimore City Alternative Dispute Resolution Program

By: Latisha Beal

The District Court of Maryland Alternative Dispute Resolution (ADR) Office has created a new position for an ADR Coordinator in Baltimore City. The ADR Office and the Chief Judge recognize the need for an on-site coordinator in Baltimore City. District One, Baltimore City, has one of the heaviest dockets in the state, therefore, having extraordinary potential for cases being referred to ADR.

On January 31, 2005, the ADR Office revamped the Baltimore City Day of Trial ADR Program. Phase one of this program is focusing on the afternoon dockets on Mondays and Wednesdays at the District Courthouse at Fayette and Gay Streets in downtown Baltimore. The cases chosen to mediate/

facilitate are civil contract disputes. The program is gaining recognition from judges, clerks, bailiffs, participants, administrative staff, and volunteers.

The judges and the clerks are becoming more comfortable with the program each week. This is made obvious by the increasing number of ADR referrals coming directly from the judges and clerks.

The bailiffs and the administrative staff have been doing an excellent job securing space in the courthouse that are conducive for the ADR sessions. The civil library is our primary location for the sessions; however, on some occasions, the library is reserved or we have multiple session going on simultaneously and there is a need for addition space. The bailiffs and administrative staff work hard to accommodate

these needs.

The majority of the individuals who have participated in the ADR process in Baltimore City during the past two months have been satisfied with the program. In some instances, parties have returned to the courthouse looking for an ADR practitioner to assist them on other issues or cases.

Some of the existing volunteers have been volunteering in Baltimore City for years under a program that was not as well structured as the one that is in the process of developing. Those volunteers have complimented our office on the improvements that have been made so far. The Maryland Volunteer Lawyer Service (MVLS) has been instrumental in recruiting new volunteers for the Baltimore City program.

In addition, an alliance has been formed between the District Court of Maryland

Alternative Dispute Resolution Office, the Community Mediation Program (CMP), and the Center for Dispute Resolution at the University of Maryland (C-DRUM). Each group has been and will continue to work hard to make the Baltimore City ADR program the best in the state. Our ultimate goal is to reduce the volume of the court's docket and assist participants in reaching an amicable resolution to their case.

Latisha Beal is the ADR Assistant

The program is gaining recognition from judges, clerks, bailiffs, participants, administrative staff, and volunteers.

Mediators Convention (cont. from page 4)

there was an 85% satisfaction rate with the sessions.

Another factor contributing to the Convention's success included the superior catering and conference accommodations comprised of a wonderful breakfast feast, a delicious and efficiently executed lunch buffet followed by afternoon soda and snack stations for the serious choco-holic. The time allocated for lunch conveniently served as a forum for participants to engage in some productive networking and continue discussions from the morning sessions.

District Court ADR staff members participated on the 2004 Convention planning committee; served as room volunteers, panelists in four sessions and moderators in two sessions. Planning committee members evaluated feedback from the previous Convention, reconciled the

the results from the pre-Convention survey for the 2004 Convention, and reviewed topic proposals which accommodated post-2003 and pre-2004 Convention survey recommendations. Some of the committee tasks included developing a timeline and registration fee schedule, coordinating Convention volunteers, designing Convention invitations, choosing a mascot, preparing a Save the Date reminder, evaluating the registration agreement with an outside vendor, and contacting ADR vendors and constituents for sponsorship and exhibit opportunities.

Overall, the Second Maryland Mediators Convention was a great success. It was an opportunity to network; learn; and experientially apply one's skills. What is next to come? Look for the District Court of Maryland and the Anne Arundel County Community College ADR Conference in January 2006 and the Third Maryland Mediators Convention in December 2006.

Carla Mamana is the ADR Liaison in Montgomery County and Maureen Denihan is the Coordinator of ADR Volunteers



ADR Staff Members Jean Whyte, Maureen Denihan, Carla Mamana and Andrea Terry attended the Second Maryland Mediators Convention.

Photo by: Jonathan Rosenthal

Mentor – Mentee (or Learning Partner) Pilot

By: Andrea Terry

The District Court of Maryland is one of three organizations participating in an exciting pilot mentoring program that, if successful, will become a part of the Maryland Program for Mediator Excellence (MPME). The mentoring pilot is a product of the Future Search conference that was hosted by the Mediation and Conflict Resolution Office (MACRO) in July of 2003. The objective of the conference was to start the process of developing the MPME. Eighteen months of work by a dedicated volunteer committee co-chaired by Toby Treem and Steve Shapiro and supported by MACRO, culminated in the training of the first fifteen mentors in November 2004. The purpose of the pilot is to determine if a structured mentor relationship results in better mediation practice for both the mentor and the learning partner.

In addition to the District Court of Maryland, the Maryland Commission on Human Relations (MCHR), and the Conflict Resolution Center of Montgomery County (CRCMC) are participating in this pilot. Each mediation program was permitted to invite five of its most experienced and highest-quality mediators to participate as mentors. Additionally, each program was asked to invite five mediators who had completed their basic training within the last eighteen months to participate as learning partners. The coordinators of

each mediation program were tasked with matching the mentors with their learning partners.

After attending an orientation which brought the mentors and learning partners together, the mentors were then required to complete an eight-hour training on how to structure a mentoring relationship, how to provide feedback, and coaching skills. This training was provided by Juliana Birkhoff of RESOLVE, who was hired by the mentoring committee through the Judiciary's procurement and competitive bidding process. RESOLVE is one of the premier, public policy dispute resolution organizations in the United States and internationally.

Upon completing their training in November, the mentors contacted their learning partners to set up a meeting at which time they discussed their respective goals, planned how they would conduct the required minimum three mediation sessions, how feedback and coaching would be handled, and the timeframe for completing each step of the pilot. When such details were agreed upon, the mentor and learning partner completed a mentoring contract so there was a clear and mutual understanding of the role and expectations of each person, and the purpose and parameters of the relationship.

After the mentoring contract is in place, the mentors will work with their learning partners in at least three mediation sessions, though more are certainly permitted and encouraged. During the first

session the learning partner observes their mentor. During the second session, the mentor co-mediate with their learning partner while taking the lead, and in the final co-mediation, the learning partner takes the lead. After each session the mentor and learning partner debrief, with the mentor providing both verbal and written feedback to the learning partner. Upon completion of the full process, both the learning partner and the mentor provide a written analysis of the mentoring program to the mentoring committee and the mentor provides a final evaluation of the learning partner to see if improvement did in fact occur. The pilot is expected to be completed by June 2005.

In developing this pilot, the mentoring committee looked at other mentoring programs both in and outside of the field of mediation. Big Brothers/Big Sisters, the Multi-Door Program in the District of Columbia Superior Court and the National Association for Community Mediation were some of the organizations researched early in the planning process. As with many facets of the emerging MPME, Maryland stands to possibly serve as one of the first states to develop such a structured, statewide mediator mentoring process, and the committee is eager to see the program proceed and to receive successful its results. Hopefully it will be a rewarding experience for all participants, and results are expected in approximately six to eight months. The District Court

ADR Office wishes to thank its volunteers who have agreed to devote the additional time required to participate in this innovative pilot.

Andrea Terry is the ADR Quality Assurance Manager

*District Court ADR
Volunteers
Participating in the
Pilot are:*

Robin Bradley

Tammy CitaraManis

Claudia Conroy

Steve Henick

Rhonda Neuhaus

Carolyn Rodis

Toby Treem

Jean Whyte

ADR Stats for 2004—Settlement Rate by District & Location

DISTRICT	LOCATION	SETTLEMENT RATE	CASES SETTLED	TOTAL CASES IN ADR
1	BALTIMORE CITY	86%	25	29
2	WICOMICO	56%	5	9
4	CALVERT	61%	17	28
4	ST. MARYS	63%	24	38
4	CHARLES	71%	10	14
	64% Settlement Rate for District 4 —51 of 80 Cases in ADR were Settled			
5	UPPER MARLBORO	63%	127	202
6	ROCKVILLE	53%	133	250
6	SILVER SPRING	60%	118	197
	56% Settlement Rate for District 6 — 251 of 447 Cases in ADR were Settled			
7	ANNAPOLIS	55%	57	104
7	GLEN BURNIE	63%	69	109
	61% Settlement Rate for District 7 – 126 of 213 Cases in ADR were Settled			
8	CATONSVILLE	74%	14	19
8	TOWSON	57%	28	49
	62% Settlement Rate for District 8 — 42 of 68 Cases in ADR were Settled			
9	HARFORD	56%	28	50
10	CARROLL	65%	49	75
10	HOWARD	64%	81	126
	65% Settlement Rate for District 10 —130 of 201 Cases in ADR were Settled			
11	FREDERICK	56%	35	63

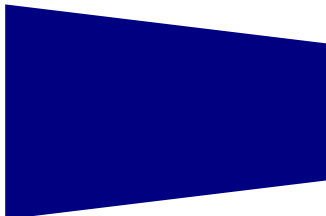
Should you have any questions concerning the statistical data provided for 2004, please contact Maureen Denihan at the ADR Office.

News from the Alternative Dispute Resolution
Office of the District Court of Maryland

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